FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9728 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.S.S.Bhise for the petitioner.

Shri D.A.Patil AGP for Respondent nos.1 to 4.

Coram : R.S.Mohite,J

Date : 17.11.2005.

PC

1. This writ petition impugns an order dated 3.2.2003 passed by the Sub-Divisional Officer, Mumbai Suburban District in the proceedings under the Maharashtra Restoration of land to the Scheduled Tribe under the Adiwasi Act 1974. The petitioner claims to be a person of adverse possession of the land bearing survey no.32/9 which was the subject matter of restoration proceedings. In so

far as orders passed under Maharashtra Restoration of Land Scheduled Tribe Act 1974, an appeal is provided in Section 6 to the Maharashtra Revenue Tribunal. The said Tribunal has given all the powers of the Court hearing appeals from a decree or order as provided under Code of Civil Procedure. There is also provision of revision in section 7. The present petitioner has not established his right said to have been acquired by adverse possession. Advocate for the petitioner points out that the petitioner has filed a suit in this Court being Suit No.26/2005 and obtained a status-quo order. Advocate however, fairly conceded that only Patels are the parties in that proceedings. In any case there being provision of statutory appeal, I am not inclined to entertain the petition. Petitioner may file appeal if he so desires. Petition is rejected.

(R.S.Mohite,J)